

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-16 and 24-37 were considered by the Examiner in the Office Action mailed November 30, 2004. Claims 17-23 have been canceled, claim 6 has been amended, and claims 38-41 have been added, so that claims 1-16 and 24-41 are presently pending. Claims 1, 11, and 24 are independent.

In the Office Action, the Examiner objected to claim 6, requiring correction of certain informalities. Applicant has amended claim 6 to incorporate the Examiner's suggested changes. Therefore, Applicant submits that the objection to claim 6 is now moot.

In the Office Action, the Examiner rejected claims 1 and 34 under 35 USC 102(b) as being anticipated by U.S. Pat. No. 3,003,299 to Smith et al. (Smith).

By rejecting independent claim 1 as being anticipated by Smith, the Examiner is asserting that Smith expressly or inherently discloses every limitation recited in claim 1. This is simply not the case. For example, claim 1 recites "a U-joint coupled between the first and second drive shafts." Applicant submits that Smith fails to disclose such a U-joint. In the Office Action, the Examiner states that Smith discloses "a U-joint (32, comprised of parts 24, 26, 28, 30, 50) coupled between the first (46) and second (40) drive shafts." The components of Smith that the Examiner refers to as forming a U-joint are not a "U-joint" under the ordinary meaning of the word. Dictionary's and technical resources consistently describe a U-joint as being a mechanism for transmitting torque between two rotating drive shafts while simultaneously permitting variation in the angle of intersection between the axes of rotation of the shafts. The simple pivot mechanism of Smith (comprised of parts 26, 28, 30, 32, and 50) does not permit variation in the angle of intersection between the axes of rotation of the drive shafts (40 and 46). Rather, the pivot mechanism of Smith is comprised of a standard (20) outfitted diametrically with trunnions (24 and 26) which are rotatably supported by upright legs (28 and 30) of U-shaped support (32). The standard (20) is thus supported by upright legs (28 and 30) and allowed to pivot in a single plane about an axis passing through the center of both trunnions (24 and 26). This is the extent of the motion provided by the pivot mechanism of Smith. Thus, the pivot mechanism of Smith does not

permit variation in the angle of intersection between the axes of rotation of the drive shafts (40 and 46), as would be provided by any mechanism falling within the ordinary meaning of the term U-joint. In addition, the components of Smith that the Examiner relies on for disclosing a U-joint (i.e., components 32, 24, 26, 28, 30, and 50) do not transmit torque between the drive shafts (40 and 46). Rather, torque is transmitted from shaft (40) to shaft (46) through standard bevel gears (42 and 44). The components of Smith that the Examiner relies on for disclosing a U-joint (i.e., components 32, 24, 26, 28, 30, and 50) simply serve as a housing for the rotating bevel gears (42 and 44), but do not transmit torque between the shafts in any way. Thus, the pivot mechanism of Smith does not transmit torque between the drive shafts (40 and 46), as would be provided by any mechanism falling within the definition of a "U-joint." In view of the foregoing, Applicant submits that the pivot mechanism of Smith, asserted by the Examiner as disclosing a U-joint, does not fall within the ordinary meaning of the term "U-joint."

In addition, claim 1 recites that the U-joint is "coupled between the first and second drive shafts **for rotation therewith.**" The components of Smith that the Examiner relies on for disclosing a U-joint (i.e., components 32, 24, 26, 28, 30, and 50) do not rotate with the drive shafts (40 and 46). Rather, as mentioned above, the components of Smith that the Examiner asserts form a U-joint are simply a housing for the bevel gears (42 and 44), and do not rotate with the drive shafts (40 and 46). Therefore, the Smith reference fails to disclose Applicant's claimed U-joint that is coupled between and **rotates with** the drive shafts.

In view of the foregoing, Applicant submits that the rejection of independent claim 1 as being anticipated by Smith is in error, and withdrawal the rejection is solicited.

In the Office Action, the Examiner rejected claims 11 and 14-16 under 35 USC 103(a) as being unpatentable over U.S. Pat. No. 4,697,405 to DeWitt et al. (DeWitt), in view of U.S. Pat. No. 5,035,107 to Scarborough (Scarborough). In the Office Action, the Examiner states that although DeWitt fails to disclose Applicant's claimed motor rigidly coupled to the frame and drivingly connected to the deck so as to power the deck independently of the vehicle, it would have

been obvious to one having ordinary skill in the art to include the frame-mounted motor of Scarborough on the device of DeWitt in order to isolate the auxiliary motor.

In order for the Examiner to establish a *prima facie* case of obviousness there must be some suggestion or motivation, either in the references themselves or in the knowledge ordinarily available to one skilled in the art, to combine the teachings of the references. Applicant submits that there exists no suggestion or motivation to include the frame-mounted motor of Scarborough on the device of DeWitt. In fact, just the opposite is the case. Placing a motor on the frame of DeWitt, as suggested by the Examiner, significantly increases the complexity of transmitting power to the deck and thus would not be a desirable or obvious action. In the design of DeWitt, the deck (11) is located at the end of a long articulating arm (43, 46, 49, 64). If, as the Examiner suggests, the motor (100) of Scarborough were to be placed on the frame (74) of DeWitt, a very complicated system would need to be implemented to transmit torque from the frame-mounted motor, through/over the support arm (43, 46, 49, and 64), and to the deck (11). As disclosed in DeWitt, support arm (43) rotates within horizontal leg (40), boom member (46) telescopes within member (43), and arm (49) is connected to the outer boom member (46) through a pivoting pin (50). This means that in order to supply the deck (11) with power from a frame-mounted motor, the mechanism for transmitting torque from the motor to the deck (11) must be able to pivot in two directions and also telescope. The increased complexity and cost associated with such a system for transmitting torque from a frame-mounted motor to the deck (11) of DeWitt would actually provide a disincentive to modify DeWitt by incorporating a frame-mounted motor. Therefore, Applicant submits that the rejection of independent claim 11 as being obvious based on DeWitt and Scarborough is in error, and withdrawal of the rejection is solicited.

In the Office Action, the Examiner rejected claims 24-29 under 35 USC 103(a) as being unpatentable over Dewitt in view of Smith, asserting that it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the drive train of Smith on the device of Dewitt in order to avoid obstructions.

In order to establish a *prima facie* of obviousness, the prior art references must teach all of the claim limitations. Applicant submits that DeWitt and Smith do not teach all the limitations of independent claim 24. For example, neither DeWitt nor Smith disclose Applicant's claimed "U-joint coupled between the first and second drive shafts." The Examiner admits that DeWitt fails to disclose a U-joint, but states that Smith does disclose a U-joint, and it would have been obvious to include such a U-joint on the device of DeWitt. As discussed above with reference to the rejection of claim 1 as being anticipated by Smith, Applicant submits that Smith fails to disclose a U-joint. Applicant's rationale for asserting that Smith fails to disclose a U-joint is discussed above. Thus, Applicant submits that the rejection of independent claim 24 as being obvious based on DeWitt and Smith is in error, and withdrawal of the rejection is solicited.

Applicant has addressed the rejections of independent claims 1, 11, and 24 above. Dependent claims 2-10 and 34-37 depend from independent claim 1; dependent claims 12-16 depend from independent claim 11; and dependent claims 25-33 depend from independent claim 24. These dependent claims recite additional patentable features of the invention, but should also be allowable because they are based upon allowable independent claims.

New claims 38-41 have been added to further distinguish the U-joints recited in claims 1 and 24 from the pivot mechanism of Smith. Claims 38 and 39 depend from independent claim 1, while claims 40 and 41 depend from independent claim 24. Claims 38 and 40 both state that the U-joint permits variation in the angle of intersection between the axes of rotation of the first and second rotatable drive shafts. The pivot mechanism of Smith clearly does not permit such angle variation. Claims 39 and 41 state that the U-joint is a Hooke's joint. The pivot mechanism of Smith is clearly not a Hooke's U-joint.

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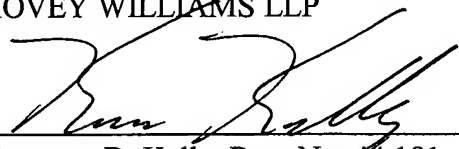
Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions, please contact the undersigned at (800) 445-3460.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 19-0522.

Respectfully submitted,

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